

REMARKS

This Amendment is in response to the final Office Action dated September 11, 2006. Claims 3-32 and 41-51 are pending in this application. Claims 14-19 and 27-32 have been withdrawn from consideration in view of an earlier election of species requirement and claims 1, 2 and 33 - 40 were previously canceled without prejudice. By this Amendment, claims 3, 4, 41 and 42 have been amended to delete the term "non-woven" from the claims. These amendments were not made for the purpose of distinguishing the presently claimed invention over the art of record. Favorable reconsideration of all of the pending claims is respectfully requested in view of the remarks below.

The Examiner has rejected claims 3-13, 20-26, 41-51 under 35 U. S. C. 112, first paragraph as failing to comply with the written description requirement. The Examiner believes that the term "non-woven reinforcing member" recited in the present claims constitutes new matter. Applicants note that the Examiner has acknowledged that the specification lists materials for the reinforcing member which are non-woven materials. However, in order to expedite the prosecution of this application, Applicants have amended the claims, without prejudice, to delete the term "non-woven" from the claims. In light of these amendments, Applicants respectfully request the Examiner to withdraw the Section 112, first paragraph rejection of the above-identified claims.

The Examiner has rejected claims 3-13, 20-26 and 41-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,544,279 to Hopkins et al. (the "Hopkins patent") in view of U.S. Patent No. 6,123,715 to Amplatz (the "Amplatz patent") and U.S. Patent No. 6,517,765 to Kelley (the "Kelley patent"). Applicants again strongly disagree with the Examiner's position. First, it is noted that the Hopkins patent fails to show an expandable housing portion made primarily from an elastic material, as recited in independent claim 3, or a housing portion movable between an expanded position and a contracted position, as recited in independent claim 41. Rather, the Hopkins patent discloses a housing portion made from a non-elastic material since the distal end of the sheath 584 remains plastically deformed in an expanded position after the expander 590 is moved into the sheath 584. Reference is made to Figure 23B of the Hopkins patent which clearly shows that the distal end of the sheath 584 remains plastically deformed in an expanded position after being stretched by the expander 590.

Applicants note that Figure 23B shows a large gap formed between the wall of the sheath 584 and the filter 480 after the filter is retrieved into the sheath. If the sheath 584 was made from an elastic material, then there would be no gap formed between the sheath wall and filter 580 since the elasticity of the material would bring the distal end of the sheath 584 back into direct contact with the filter 580. Rather, the sheath 584 disclosed in the Hopkins patent is made from a much stiffer material which remains plastically deformed after being stretched. Accordingly, the sheath 584 shown in the Hopkins patent is not made from an elastic material and is not capable of movement between an expanded and contracted position. The sheath 584 of the Hopkins patent is only capable of moving from a contracted position to an expanded position where it remains in an expanded configuration. As is shown in Figure 23B, the sheath 584 does not move back to its contracted position and thus does not move between expanded and contracted positions as recited in claim 41. Accordingly, Applicants submit that for at least these reasons, the Hopkins patent fails to disclose the basic elements recited in the pending claims. The other cited secondary references also fail to disclose the use of an elastic housing portion. Therefore, the combination of references suggested by the Examiner simply fails to achieve the structure recited in the pending claims. In view of these arguments, Applicants respectfully request that the rejections of all of the claims under 35 U.S.C. 103(a) be withdrawn.

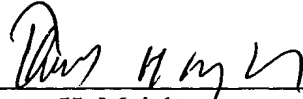
In view of the apparent allowability of generic claims, Applicants respectfully request the Examiner to reconsider claims 14-19 and 27-32 which were previously withdrawn in response to an earlier election of species requirement.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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